



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Twenty-first Meeting Day

Thursday Afternoon

February 17, 2005

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Reverend Matthew Barnes, The Public Servant's Prayer Ministry, Dillsboro, the guest of Senator Johnny Nugent.

The Pledge of Allegiance to the Flag was led by Senator Dorothy S. "Sue" Landske.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 148: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and

insert:

"SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.4-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. This article does not apply to the following agency actions:

- (1) The issuance of a warrant or jeopardy warrant for the collection of taxes.
- (2) A determination of probable cause or no probable cause by the civil rights commission.
- (3) A determination in a factfinding conference of the civil rights commission.
- (4) A personnel action, except review of a personnel action by the state employees appeals commission under IC 4-15-2 or a personnel action that is not covered by IC 4-15-2 but may be taken only for cause.
- (5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.
- (6) An agency action related to an offender within the jurisdiction of the department of correction.
- (7) A decision of the Indiana economic development corporation, **the office of tourism development**, the department of environmental management, the tourist information and grant fund review committee, the Indiana development finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.
- (8) A decision to issue or not issue a complaint, summons, or similar accusation.
- (9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.
- (10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.
- (11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.
- (12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.
- (13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.
- (14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

SECTION 2. IC 5-14-1.5-6.1, AS AMENDED BY P.L.4-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to any of the following:
 - (A) Collective bargaining.
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.
 - (C) The implementation of security systems.
 - (D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

- (3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.
- (4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, **the office of tourism development**, the Indiana development finance authority, or economic development commissions.
- (5) To receive information about and interview prospective employees.
- (6) With respect to any individual over whom the governing body has jurisdiction:

- (A) to receive information concerning the individual's alleged misconduct; and
- (B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:
 - (i) a physician; or
 - (ii) a school bus driver.

- (7) For discussion of records classified as confidential by state or federal statute.
- (8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.
- (9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.
- (10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection."

Delete pages 2 through 3.

Page 4, delete lines 1 through 38.

Page 4, line 42, delete "department" and insert "**office**".

Page 4, line 42, after "tourism" insert "**development**".

Page 5, line 2, delete "department" and insert "**office**".

Page 5, line 2, after "tourism" insert "**development**".

Page 5, line 5, delete "department" and insert "**office**".

Page 5, line 6, after "tourism" insert "**development**".

Page 5, line 10, delete "department" and insert "**office**".

Page 5, line 10, after "tourism" insert "**development**".

Page 5, line 16, delete "DEPARTMENT" and insert "**OFFICE**".

Page 5, line 16, after "TOURISM" insert "**DEVELOPMENT**".

Page 5, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 2. "Agritourism" means the act of visiting a working farm or any agricultural, horticultural, or agribusiness operation for purposes of enjoyment, education, or active involvement in the activities of the farm or operation."

Page 5, line 20, delete "2." and insert "**3.**".

Page 5, delete lines 22 through 23.

Page 5, line 24, delete "department" and insert "office".

Page 5, line 25, after "tourism" insert "development".

Page 5, between lines 25 and 26, begin a new paragraph and insert:

"Sec. 5. "Office" refers to the office of tourism development established by IC 5-29-2-1."

Page 5, line 26, delete "Department" and insert "Office".

Page 5, line 26, after "Tourism" insert "Development".

Page 5, line 27, delete "department" and insert "office".

Page 5, line 27, after "tourism" insert "development".

Page 5, line 28, delete "(a)".

Page 5, line 28, after "of" and insert "the office".

Page 5, delete lines 29 through 33.

Page 5, line 34, delete "(b)" and insert "Sec. 3. (a)".

Page 5, line 34, after "director" insert "of the office".

Page 5, line 36, delete "(c)" and insert "(b)".

Page 5, line 37, delete "department." and insert "office".

Page 5, line 38, delete "(d)" and insert "(c)".

Page 5, line 39, delete "budget agency" and insert "lieutenant governor".

Page 5, line 39, delete "lieutenant".

Page 5, line 40, delete "governor." and insert "budget agency".

Page 5, line 41, delete "3." and insert "4".

Page 5, line 41, delete "appoint or employ deputy directors,".

Page 5, line 42, delete "assistants, and" and insert "hire".

Page 6, line 1, delete "department's" and insert "office's".

Page 6, line 4, delete "4." and insert "5".

Page 6, line 4, delete "department" and insert "office".

Page 6, line 6, delete "make the best use" and insert "promote tourism".

Page 6, delete line 7.

Page 6, line 9, delete "interest accrued from loans made".

Page 6, line 10, delete "by the department,".

Page 6, line 13, delete "department." and insert "office".

Page 6, line 23, delete "Direct that" and insert "Request".

Page 6, line 24, delete "department be given to the".

Page 6, line 25, delete "department by" and insert "office from".

Page 6, line 27, delete "department" and insert "office".

Page 6, line 31, after "concerning" insert "and advertise or contract to advertise".

Page 6, line 35, delete "department" and insert "office".

Page 6, line 35, delete "perform the following duties:" and insert "assist".

Page 6, line 36, delete "(1) Assist".

Page 6, run in lines 35 through 36.

Page 6, delete lines 38 through 39.

Page 6, line 40, delete "5." and insert "6".

Page 6, line 40, delete "entities" and insert "advisory committees".

Page 6, line 41, delete "department" and insert "office".

Page 6, line 42, after "an advisory" delete "entity" and insert "committee".

Page 6, line 42, after "the advisory" delete "entity" and insert "committee".

Page 7, between lines 5 and 6, begin a new line blocked left and insert:

"An advisory committee member is not entitled to salary or per

diem."

Page 7, line 6, delete "6." and insert "7".

Page 7, delete lines 8 through 10.

Page 7, line 22, after "4." insert "(a)".

Page 7, line 22, after "is" insert "established within the state treasury. The fund shall be used for the purposes of this chapter.

(b) The fund consists of appropriations from the general assembly and gifts, donations, bequests, devises, and contributions received by the office.

(c) The office shall administer the fund. The following may be paid from money in the fund:

(1) Grants.

(2) Expenses of administering the fund.

(3) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the state general fund."

Page 7, delete lines 23 through 24.

Page 7, line 25, delete "department" and insert "office".

Page 7, line 28, delete "department" and insert "office".

Page 7, delete lines 32 through 42, begin a new paragraph and insert:

"Sec. 6. (a) The office shall establish guidelines for the application and approval of grants.

(b) The office may seek the recommendations from the council when making a determination to approve or reject a grant application."

Page 8, delete lines 1 through 14.

Page 8, line 15, delete "9." and insert "7".

Page 8, line 17, delete "Department" and insert "Office".

Page 8, line 18, delete "Tourism." and insert "Tourism Development". Promotional materials must also include a statement provided by the office."

Page 8, line 19, delete "10." and insert "8".

Page 8, line 19, delete "department" and insert "office".

Page 8, delete lines 21 through 42.

Delete page 9.

Page 10, delete line 1.

Page 10, line 2, delete "5." and insert "4".

Page 10, line 16, delete "Eleven (11)" and insert "Twelve (12)".

Page 10, line 17, after "years." insert "One (1) representative must own or operate an agritourism business."

Page 10, line 22, delete "Motel" and insert "Lodging".

Page 10, between lines 37 through 38, begin a new line block indented and insert:

"(17) A member who lives in a rural community and is interested in agritourism, appointed by the Indiana rural development council, for a term of one (1) year."

Page 11, delete lines 9 through 12.

Page 11, line 13, after "4." insert "(a)".

Page 11, line 15, delete "department." and insert "office".

Page 11, delete lines 16 through 18.

Page 11, line 19, delete "(3)" and insert "(2)".

Page 11, line 20, delete "department." and insert "office".

Page 11, line 21, delete "(4)" and insert "(3)".

Page 11, line 23, delete "(5)" and insert "(4)".

Page 11, line 25, delete "(6)" and insert "(5)".

Page 11, line 27, delete "(7)" and insert "(6)".

Page 11, line 27, delete "department" and insert "office".

Page 11, delete lines 29 through 36.

Page 11, line 37, delete "(10)" and insert "(7)".

Page 11, delete lines 39 through 42, begin a new line block indented and insert:

"(8) Make budget recommendations to the lieutenant governor.

(b) The council may establish advisory groups to make recommendations to the office on tourism research, development, and marketing."

Page 12, line 4, delete "department" and insert "office".

Page 12, line 4, delete "support and".

Page 12, line 5, delete "council." and insert **"council, as directed by the lieutenant governor."**

Page 12, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-43-1, AS AMENDED BY P.L.4-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies to the following economic development incentive programs:

(1) Grants and loans provided by the Indiana economic development corporation under IC 5-28 **or the office of tourism development under IC 5-29.**

(2) Incentives provided in an economic revitalization area under IC 6-1.1-12.1.

(3) Incentives provided under IC 6-3.1-13.

(4) Incentives provided in an airport development zone under IC 8-22-3.5-14.

SECTION 6. IC 8-3-1-21.1, AS AMENDED BY P.L.4-2005, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21.1. (a) Upon receiving notice of intent to abandon railroad rights-of-way from any railroad company, the department shall, upon receipt, notify:

(1) the county executives, county surveyors, and cities and towns of the counties affected;

(2) the Indiana economic development corporation; ~~and~~

(3) the office of tourism development; and

~~(3) (4)~~ (4) the department of natural resources;

of the notice.

(b) Within one (1) year of a final decision of the Interstate Commerce Commission permitting an abandonment of a railroad right-of-way, the railroad shall remove any crossing control device, railroad insignia, and rails on that part of the right-of-way that serves as a public highway and reconstruct that part of the highway so that it conforms to the standards of the contiguous roadway. The Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the highway may restore the crossing if the unit:

(1) adopts construction specifications for the project; and

(2) enters into an agreement with the railroad concerning the

project.

The cost of removing any crossing control device, railroad insignia, rails, or ties under this subsection must be paid by the railroad. The cost of reconstructing the highway surface on the right-of-way must be paid by the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing.

(c) If a railroad fails to comply with subsection (b), the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing may proceed with the removal and reconstruction work. The cost of the removal and reconstruction shall be documented by the agency performing the work and charged to the railroad. Work by the agency may not proceed until at least sixty (60) days after the railroad is notified in writing of the agency's intention to undertake the work.

(d) This section does not apply to an abandoned railroad right-of-way on which service is to be reinstated or continued.

(e) As used in this section, "crossing control device" means any traffic control device installed by the railroad and described in the National Railroad Association's manual, Train Operations, Control and Signals Committee, Railroad-Highway Grade-Crossing Protection, Bulletin No. 7, as an appropriate traffic control device.

(f) Costs not paid by a railroad under subsection (b) may be added to the railroad's property tax statement of current and delinquent taxes and special assessments under IC 6-1.1-22-8.

(g) Whenever the Indiana department of transportation notifies the department of natural resources that a railroad intends to abandon a railroad right-of-way under this section, the department of natural resources shall make a study of the feasibility of converting the right-of-way for recreational purposes. The study must be completed within ninety (90) days after receiving the notice from the Indiana department of transportation. If the department of natural resources finds that recreational use is feasible, the department of natural resources shall urge the appropriate state and local authorities to acquire the right-of-way for recreational purposes.

SECTION 7. IC 8-21-9-12, AS AMENDED BY P.L.4-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) The department has jurisdiction only over two (2) major new continental or intercontinental airport facilities designed and constructed to serve a part of Indiana or adjacent states.

(b) The department may designate the location and character of all airport facilities which the department may hold, own, or over which it is authorized to act and to regulate all matters related to the location and character of the airport facilities.

(c) The department may designate the location and establish, limit, and control points of ingress to and egress from any airport property.

(d) The department may lease to others for development or operation the parts of any airport or airport facility on terms and conditions as the department considers necessary.

(e) The department may make directly, or through hiring of expert consultants, investigations, and surveys of whatever nature, including, but not limited to, studies of business conditions, freight rates, airport services, physical surveys of the conditions of structures, and the necessity for additional airports or for additional airport facilities for the development and improvement of commerce

and for the more expeditious handling of commerce, and to make studies, surveys, and estimates as are necessary for the execution of its powers under this chapter.

(f) The department may make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. When the cost of any such contract for construction, or for the purchase of equipment, materials or supplies, involves an expenditure of more than five thousand dollars (\$5,000), the department shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in such other publications as the department shall determine. Such notice shall state the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The department may reject any and all bids. A bond with good and sufficient surety, as shall be approved by the department, shall be required of all contractors in an amount equal to at least fifty percent (50%) of the contract price conditioned upon the faithful performance of the contract.

(g) The department may fix and revise periodically and charge and collect equitable rates, fees, rentals, or other charges for the use of any airport facility or airport facilities under its control, which rates, fees, rentals, or other charges shall be in amounts reasonably related to the cost of providing and maintaining the particular airport facility or airport facilities for which these rates, fees, rentals, and other charges are established.

(h) The department may make application for, receive, and accept from any federal agency, grants for or in aid of the planning, construction, operating, or financing of any airport facility, and to receive and accept contributions from any source of either money, property, labor, or other things of value, to be held, used and applied for the purposes for which made, in each case on such terms and conditions as the department considers necessary or desirable. The department may enter into and carry out contracts and agreements in connection with this subsection.

(i) The department may appear in its own behalf before boards, commissions, departments, or other agencies of the federal government or of any state or international conference and before committees of the Congress of the United States and the general assembly of Indiana in all matters relating to the designs, establishment, construction, extension, operations, improvements, repair, or maintenance of any airport or airport facility operated and maintained by the department under this chapter, and to appear before any federal or state agencies in matters relating to air rates, airport services and charges, differentials, discriminations, labor relations, trade practices, and all other matters affecting the physical development of and the business interest of the department and those it serves.

(j) The department may contract for the services of consulting engineers, architects, attorneys, accountants, construction and financial experts, and such other individuals as are necessary in its judgment. However, the employment of an attorney shall be subject

to such approval of the attorney general as may be required by law.

(k) The department may do all things necessary and proper to promote and increase commerce within its territorial jurisdiction, including cooperation with civic, technical, professional, and business organizations and associations, **the office of tourism development**, and the Indiana economic development corporation.

(l) The department may establish and maintain a traffic bureau for the purpose of advising the department as to the airport's competitive economic position with other airports.

(m) The department may contract for the use of any license, process, or device, whether patented or not, which the department finds is necessary for the operation of any airport facility, and may permit the use thereof by any lessee on such terms and conditions as the department may determine. The cost of such license, process, or device may be included as part of the cost of the airport facility.

(n) The department may issue airport revenue bonds and airport revenue funding bonds.

(o) The department may do all acts and things necessary or proper to carry out the powers expressly granted in this chapter."

Delete pages 13 through 15.

Page 16, delete lines 1 through 3.

Page 16, line 11, after "the" strike "department" and insert **"office"**.

Page 16, line 12, delete "tourism," and insert **"tourism development,"**.

Page 16, line 36, strike "department" and insert **"office"**.

Page 16, line 36, after "tourism" insert **"development"**.

Page 16, line 37, strike "designated deputy." and insert **"designee."**

Page 17, line 23, delete "department" and insert **"office"**.

Page 17, line 23, after "tourism" insert **"development"**.

Page 18, line 20, delete "department" and insert **"office"**.

Page 18, line 20, after "tourism" insert **"development"**.

Page 18, line 39, strike "department" and insert **"office"**.

Page 18, line 39, after "tourism" insert **"development"**.

Page 19, line 23, reset in roman "office".

Page 19, line 23, delete "department".

Page 19, line 23, reset in roman "development".

Page 19, line 38, strike "department" and insert **"office"**.

Page 19, line 39, delete "tourism." and insert **"tourism development."**

Page 19, line 40, strike "department" and insert **"office"**.

Page 19, line 40, after "tourism" insert **"development"**.

Page 20, line 10, strike "department" and insert **"office"**.

Page 20, line 11, delete "tourism." and insert **"tourism development."**

Page 20, line 12, strike "department" and insert **"office"**.

Page 20, line 12, after "tourism" insert **"development"**.

Page 20, line 21, before "of" strike "department" and insert **"office"**.

Page 20, line 21, delete "tourism," and insert **"tourism development,"**.

Page 20, line 38, strike "department" and insert **"office"**.

Page 20, line 38, after "tourism" insert **"development"**.

Page 20, line 40, delete "department" and insert **"office"**.

Page 20, line 40, delete "tourism." and insert **"tourism development."**

Page 21, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 19. P.L.4-2005, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: SECTION 151. (a) The duties conferred on the department of commerce relating to ~~tourism and~~ community development are transferred to the office of the lieutenant governor on the effective date of this act. Notwithstanding any other law, beginning on the effective date of this act the office of the lieutenant governor is also responsible for administering the following funds, programs, councils, and accounts:

~~(1) The tourism information and promotion fund;~~

~~(2) The tourism marketing fund;~~

~~(3) The Indiana tourism council;~~

~~(4) (1) The community promotion program.~~

~~(5) (2) The Indiana main street program.~~

~~(6) (3) The individual development accounts program.~~

~~(7) (4) The home ownership education account.~~

(b) The rules, policies, and guidelines adopted by:

(1) the department of commerce concerning ~~tourism and~~ community development; or

(2) an entity described in subsection (a);

before the effective date of this act are considered, on and after the effective date of this act, rules, policies, and guidelines of the office of the lieutenant governor until the office of the lieutenant governor adopts replacement rules, policies, and guidelines.

(c) On the effective date of this act, the office of the lieutenant governor becomes the owner of all property and obligations relating to ~~tourism promotion and~~ community development of the department of commerce. Any amounts owed to the department of commerce before the effective date of this act under a program administered under this SECTION on and after the effective date of this act by the office of the lieutenant governor shall be payable to the office of the lieutenant governor.

(d) Any appropriations to the department of commerce relating to ~~tourism and~~ community development and funds relating to ~~tourism and~~ community development under the control or supervision of the department of commerce on the effective date of this act, as determined by the budget agency, are transferred to the control or supervision of the office of the lieutenant governor on the effective date of this act.

(e) The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to organize and correct statutes affected by the transfer of responsibilities to the lieutenant governor.

(f) This SECTION expires July 1, 2007.

SECTION 20. [EFFECTIVE JULY 1, 2005] **(a) The duties conferred on the lieutenant governor relating to tourism are transferred to the office of tourism development on July 1, 2005.**

(b) The rules, policies, and guidelines adopted by the lieutenant governor or department of commerce concerning tourism before July 1, 2005, are considered, on and after July 1, 2005, rules, policies, and guidelines of the office of tourism development until the office of tourism development adopts replacement rules, policies, and guidelines.

(c) On July 1, 2005, the office of tourism development

becomes the owner of all property and obligations relating to tourism promotion of the lieutenant governor or department of commerce.

(d) Any appropriations to the lieutenant governor, department of commerce, or economic development entity covered by P.L.4-2005, relating to tourism and funds relating to tourism under the control or supervision of the lieutenant governor on July 1, 2005, as determined by the budget agency, are transferred to the control or supervision of the office of tourism on July 1, 2005.

(e) This SECTION expires July 1, 2007."

Page 22, delete lines 1 through 33.

Page 22, line 39, delete "Money in the tourism information and".

Page 22, delete lines 40 through 42.

Page 23, delete lines 1 through 9.

Page 23, line 10, delete "(c)" and insert **"(b)"**.

Page 23, line 13, delete "IC 5-29-5-1," and insert **"IC 5-29-4-1,"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 335 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 21, after "year;" insert **"or"**.

Page 2, line 22, delete "year; or".

Page 2, line 23, delete "(3) September 1 of the 2007-2008 school".

Page 2, run in lines 22 through 23.

(Reference is to SB 231 as printed January 28, 2005).

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 3, after "employees" insert **"in the executive branch who are in the same or a similar salary bracket"**.

Page 4, line 10, after "(a)," insert **"the budget director shall augment"**.

Page 4, line 11, delete "are".

Page 4, line 12, delete "augmented".

Page 4, line 13, delete "same source" and insert **"sources"**.

Page 4, line 13, delete "as for state employee salary" and insert **"determined by the budget director."**

Page 4, delete line 14.

(Reference is to SB 363 as printed January 28, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 523, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 371, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Page 3, line 23, strike "academic training" and insert **"education"**.

Page 6, line 17, after "The" insert **"advisory board of the division of"**.

Page 6, line 17, reset in roman "professional".

Page 6, line 18, reset in roman "standards".

Page 6, line 18, delete "Indiana state".

Page 6, line 18, strike "board" and insert **"of the department"**.

Page 6, line 18, reset in roman "IC 20-1-1.4".

Page 6, line 19, delete "IC 20-1-1-1".

Page 6, line 25, after "the" insert **"advisory board of the division of"**.

Page 6, line 25, reset in roman "professional standards".

Page 6, line 25, delete "Indiana".

Page 6, line 26, delete "state".

Page 6, line 26, strike "board".

Page 6, line 26, after "board" insert **"of the department"**.

Page 6, line 26, reset in roman "IC 20-1-1.4".

Page 6, line 26, delete "IC 20-1-1-1".

Page 6, line 27, after "the" insert **"advisory board of the division of"**.

Page 6, line 27, reset in roman "professional standards".

Page 6, line 28, after "board" insert **"of the"**.

Page 6, line 28, delete "IC 20-1-1.1-2" and insert **"IC 20-1-1.4"**.

Page 6, line 31, strike "training" and insert **"education"**.

Page 6, line 32, strike "training" and insert **"education"**.

Page 14, line 6, delete "The" and insert **"Except as provided in section 7 of this chapter, the"**.

Page 14, line 11, strike "training" and insert **"education"**.

Page 14, line 23, delete "training," and insert **"education,"**.

Page 15, line 5, strike "training" and insert **"education"**.

Page 15, line 9, strike "training" and insert **"education"**.

Page 16, line 36, delete "In" and insert **"Subject to subsection (c) and in"**.

Page 16, line 37, after "the" insert **"advisory"**.

Page 16, line 37, reset in roman "board".

Page 16, line 37, delete "department".

Page 17, line 12, strike "training" and insert **"education"**.

Page 17, between lines 19 and 20, begin a new paragraph and insert:

"(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the superintendent for approval. If the superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule."

Page 18, line 12, delete "Money in the fund is continuously appropriated for use".

Page 18, delete lines 13 through 14.

Page 20, line 14, delete "," and insert ".".

Page 20, line 15, reset in roman "(3) A rule or guideline adopted by the".

Page 20, line 15, after "the" insert **"advisory board of the division of"**.

Page 20, line 15, reset in roman "professional standards".

Page 20, line 16, after "board" insert **"of the department of education"**.

Page 20, line 16, reset in roman "(established by)".

Page 20, line 16, after "IC 20-1-1.4-2)," insert **"IC 20-1-1.4-3),"**.

Page 20, line 19, reset in roman "(4)".

Page 20, line 19, delete "(3)".

Page 20, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 24. IC 20-6.1-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. As used in this article, "advisory board" refers to the advisory board of the division of professional standards of the department of education established by IC 20-1-1.4-3."

Page 20, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 26. IC 20-6.1-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. ~~Definition;~~ "Teacher": As used in this article, the term "teacher" means a professional person whose position in the school corporation requires certain ~~teacher training preparations~~ **educational preparation** and licensing. The term includes, but is not limited to, any superintendent, supervisor, principal, attendance officer, teacher, or librarian."

Page 20, line 32, after "1." insert **"(a)"**.

Page 20, line 35, strike "training;" and insert **"education;"**.

Page 20, line 36, strike "training" and insert **"education"**.

Page 20, line 39, strike "training" and insert **"education"**.

Page 20, after line 42, begin a new paragraph and insert:

"(b) The department shall work with teacher education schools and departments to develop a system of teacher education that ensures individuals who graduate from the schools and departments are able to meet the highest

professional standards."

Page 21, line 9, after "standards" insert **"advisory"**.

Page 21, line 9, reset in roman "board's".

Page 21, line 10, delete "department's".

Page 21, line 15, after "The" insert **"advisory"**.

Page 21, line 15, reset in roman "board".

Page 21, line 16, delete "department".

Page 21, line 31, strike "training" and insert **"education"**.

Page 21, line 34, strike "training" and insert **"education"**.

Page 24, line 37, after "The" insert **"advisory"**.

Page 24, line 37, reset in roman "board".

Page 24, line 37, delete "department".

Page 25, line 19, after "The" insert **"advisory"**.

Page 25, line 19, reset in roman "board".

Page 25, line 19, delete "department".

Page 25, line 25, after "The" insert **"advisory"**.

Page 25, line 25, reset in roman "board".

Page 25, line 25, delete "department".

Page 26, line 14, strike "training" and insert **"education"**.

Page 28, line 19, after "The" insert **"advisory"**.

Page 28, line 19, reset in roman "board".

Page 28, line 19, delete "department".

Page 28, line 21, strike "training" and insert **"education"**.

Page 28, line 30, strike "training," and insert **"education,"**.

Page 28, line 38, strike "training," and insert **"education,"**.

Page 29, line 3, strike "training," and insert **"education,"**.

Page 29, line 17, strike "training," and insert **"education,"**.

Page 29, line 28, strike "training" and insert **"education"**.

Page 29, line 33, strike "training" and insert **"education"**.

Page 31, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 43. IC 20-10.1-4-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) Notwithstanding IC 20-10.1-1-0.5, this section applies only to public schools (as defined in IC 20-10.1-1-2).

(b) As used in this section, "good citizenship instruction" means integrating into the current curriculum instruction that stresses the nature and importance of the following:

- (1) Being honest and truthful.
- (2) Respecting authority.
- (3) Respecting the property of others.
- (4) Always doing one's personal best.
- (5) Not stealing.
- (6) Possessing the skills necessary to live peaceably in society and not resorting to violence to settle disputes, including methods of conflict resolution.
- (7) Taking personal responsibility for obligations to family and community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way one would want to be treated.
- (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (11) Respecting one's parents and home.
- (12) Respecting one's self.
- (13) Respecting the rights of others to have their own views and religious beliefs.

(c) The department shall identify and make available to school

corporations models of conflict resolution instruction, which may consist of a program of teacher **training education** with application of the techniques to the children in the classroom, to assist school corporations in complying with this section.

SECTION 44. IC 20-10.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) To:

(1) educate students on the importance of their future career choices;

(2) prepare students for the realities inherent in the work environment; and

(3) instill in students work values that will enable them to succeed in their respective careers;

~~and beginning with the 1994-95 school year,~~ each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values.

(b) Each school shall:

(1) integrate within the curriculum instruction that is; or

(2) conduct activities or special events periodically that are; designed to foster overall career awareness and career development as described in subsection (a).

(c) The department shall develop career awareness and career development models as described in subsection (d) to assist schools in complying with this section.

(d) The models shall be developed in accordance with the following:

(1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.

(2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.

(3) For grades 9 through 10, career exploration models that offer students insight into future employment options.

(4) For grades 11 through 12, career preparation models that provide job or further education counseling, including the following:

(A) Initial job counseling, including the utilization of job service officers to provide school based assessment, information, and guidance on employment options and the rights of students as employees.

(B) Workplace orientation visits.

(C) On-the-job experience exercises.

(e) The department, with assistance from the department of labor and the department of workforce development, shall:

(1) develop and make available teacher guides; and

(2) conduct seminars or other teacher **training education** activities;

to assist teachers in providing the instruction described in this section.

(f) The department shall, with assistance from the department of workforce development, design and implement innovative career preparation demonstration projects for students in at least grade 9."

Page 32, line 19, reset in roman "board".

Page 32, line 19, delete "department".

Page 32, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 46. IC 20-10.1-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The purposes of the ISTEP program developed under this chapter are as follows:

- (1) To assess the strengths and weaknesses of school performance.
- (2) To assess the effects of state and local educational programs.
- (3) To compare achievement of students in Indiana to achievement of students on a national basis.
- (4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:

- (A) The overall academic progress of students.
- (B) The need for new or revised educational programs.
- (C) The need to terminate existing educational programs.
- (D) Student readiness for postsecondary school experiences.
- (E) Overall curriculum development and revision activities.
- (F) Identifying students who may need remediation under IC 20-10.1-17.
- (G) Diagnosing individual student needs.
- (H) Teacher **training education** and staff development activities.

(b) To carry out the purposes described in subsection (a), each English/language arts and mathematics test developed for use under ISTEP must include the following:

- (1) A method of testing basic skills appropriate for the designated grade level, including multiple choice questions.
- (2) A method of testing applied skills appropriate for the designated grade level, including short answer or essay questions and the solving of arithmetic or mathematical problems.
- (3) A method of testing and grading that will allow comparison with national and international academic standards."

Page 32, line 24, strike "training" and insert "**education**".

Page 32, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 49. IC 21-6.1-4-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) This subsection applies to members who retire before July 1, 1980. A member who had completed four (4) years of approved college teacher **training education** before voluntary or involuntary induction into the military services is entitled to credit for that service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if for or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule specified in section 5 of this chapter.

(b) This subsection applies to members who retire after June 30, 1980. A member who had completed four (4) years of approved college teacher **training education** before voluntary or involuntary induction into military service is entitled to credit for the member's

active military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if:

- (1) the member has an honorable discharge; and
- (2) except as provided in subsection (f), the member returns to active teaching service within eighteen (18) months after the completion of active military service.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule specified in section 5 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection. In order to be eligible for any military service credit under this subsection, a member must have at least ten (10) years of in-state service credit.

(c) This subsection applies to members who retire after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher **training education** before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (f), the member returns to a four (4) year approved college teacher training program within eighteen (18) months after the completion of active military service and subsequently completes that program.
- (3) The member has at least ten (10) years of in-state service credit.

(d) This subsection applies to members who retire after May 1, 1991, and who are employed at state institutions of higher education. A member who had begun but had not completed baccalaureate or post-baccalaureate **training education** before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:

- (1) The member received an honorable discharge.
- (2) Except as provided in subsection (f), the member returns to baccalaureate or post-baccalaureate **training education** within eighteen (18) months after completion of active military service and subsequently completes that **training education**.
- (3) The member has at least ten (10) years of in-state service credit.

(e) The maximum amount of service credit that may be granted to a member who meets the conditions of subsection (c), or (d) is six (6) years. However, for purposes of subsection (c), or (d), the time served by the member in active military service for the length of active service in hostilities and necessary demobilization is not subject to the one-seventh rule specified in section 5 of this chapter.

(f) The board shall extend the eighteen (18) month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher **training education** program within eighteen (18) months after the member's discharge from military service. However, the board may not extend the deadline beyond thirty (30) months after the member's discharge.

(g) If a member retires, and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (f), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(h) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(i) Subject to the provisions of this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

- (1) The member has at least one (1) year of credited service in the fund.
- (2) The member serves on active duty in the armed services of the United States for at least six (6) months.
- (3) The member receives an honorable discharge from the armed services.
- (4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of the following:

- (i) The member's salary at the time the member actually makes a contribution for the service credit.
- (ii) A rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.
- (iii) The number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(j) The following apply to the purchase of service credit under subsection (i):

- (1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the

period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit."

Page 37, line 17, after "the" insert "**advisory board of the division of professional standards of the**".

Page 37, line 18, delete "IC 20-1-1.1-2." and insert "**20-1-1.4-3.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 371 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 4.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 513, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

SERVER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 467, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "When" and insert "**Except as provided in subsection (d), when**".

Page 2, between lines 4 and 5, begin a new paragraph and insert: "**(d) If a person who has been issued a personalized license plate dies during the plate cycle set forth in IC 9-18-2-47, the same personalized license plate must be made available to another eligible person who files an application for the personalized license plate by October 31 of the year before the issuance of the personalized license plate or other indicia of registration as set forth in IC 9-18-2-8.**".

(Reference is to SB 467 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

SERVER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 411, has had the same under consideration and begs leave to report the same back to

the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

SERVER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 244, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 6, delete "Any" and insert "**At least two (2)**".

(Reference is to SB 244 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 474, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 27.

Page 4, line 28, delete "personnel" and insert "**educational institutions (as defined in IC 20-12-0.5-1) shall cooperate to compile and submit a report to the**".

Page 4, line 29, delete "department, with the".

Page 4, line 29, delete "agency, shall implement the" and insert "**committee, not later than December 31, 2005, concerning the following:**

(1) The joint purchase by state educational institutions of the following types of insurance:

(A) Life insurance.

(B) Health insurance.

(C) Property insurance.

(D) Supplemental insurance, including dental and vision insurance.

(E) Disability insurance.

(F) Worker's compensation coverage for:

(i) personal injury or death by accident arising out of and in the course of employment under IC 22-3-2 through IC 22-3-6; and

(ii) disablement or death by occupational disease arising out of and in the course of employment under IC 22-3-7.

(G) Other insurance offered by a state educational institution.

(2) The possible ramifications, costs, and cost savings in joining together to purchase the insurance specified in subdivision (1).

(3) The joint purchase of other materials, supplies, and

services by the state educational institutions and the ramifications, costs, and cost savings in jointly purchasing these materials, supplies, and services."

Page 4, delete lines 30 through 31.

Page 4, line 32, delete "A state educational institution shall comply with the" and insert "**This SECTION expires December 31, 2006.**".

Page 4, delete lines 33 through 37.

Renumber all SECTIONS consecutively.

(Reference is to SB 474 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 424, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, line 21, delete "or threatens to commit".

Page 8, line 41, after "County" insert "**, unless a court determines that venue in Marion County would be a hardship for a trustee or a trust**".

(Reference is to SB 424 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 242, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 29, delete "the circuit" and insert "**a criminal**".

Page 2, line 29, after "court" insert "**of record**".

Page 2, line 31, delete "circuit".

Page 2, line 38, delete "A" and insert "**Upon its own motion, or upon a petition filed by a person under section 2 of this chapter, a**".

Page 3, line 30, delete "circuit".

(Reference is to SB 242 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 198, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 32-34-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) For purposes of this section, an indication of interest in the property by the owner:

(1) does not include a communication with an owner by an agent of the holder who has not identified in writing the property to the owner; and

(2) includes the following:

(A) With respect to an account or underlying shares of stock or other interest in a business association or financial organization:

(i) the cashing of a dividend check or other instrument of payment received; or

(ii) evidence that the distribution has been received if the distribution was made by electronic or similar means.

(B) A deposit to or withdrawal from a bank account.

(C) The payment of a premium with respect to a property interest in an insurance policy.

(D) The mailing of any correspondence in writing from a financial institution to the owner, including:

(i) a statement;

(ii) a report of interest paid or credited; or

(iii) any other written advice;

relating to a demand, savings, or matured time deposit account, including a deposit account that is automatically renewable, or any other account or other property the owner has with the financial institution if the correspondence is not returned to the financial institution for nondelivery.

(E) Any activity by the owner that concerns:

(i) another demand, savings, or matured time deposit account or other account that the owner has with a financial institution, including any activity by the owner that results in an increase or decrease in the amount of any other account; or

(ii) any other relationship with the financial institution, including the payment of any amounts due on a loan;

if the mailing address for the owner contained in the financial institution's books and records is the same for both an inactive account and for a related account.

(b) The application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent the policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy otherwise has become entitled to the proceeds before the depletion of the cash surrender value of the policy by the application of those provisions.

(c) Property that is held, issued, or owed in the ordinary course of a holder's business is presumed abandoned if the owner or apparent owner has not communicated in writing with the holder concerning the property or has not otherwise given an indication of interest in the property during the following times:

(1) For traveler's checks, fifteen (15) years after issuance.

(2) For money orders, seven (7) years after issuance.

(3) For consumer credits, three (3) years after the credit becomes payable.

(4) For amounts owed by an insurer on a life or an endowment

insurance policy or an annuity contract:

(A) if the policy or contract has matured or terminated, three (3) years after the obligation to pay arose; or

(B) if the policy or contract is payable upon proof of death, three (3) years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based.

(5) For property distributable by a business association in a course of dissolution, one (1) year after the property becomes distributable.

(6) For property or proceeds held by a court or a court clerk, five (5) years after the property or proceeds become distributable. The property or proceeds must be treated as unclaimed property under IC 32-34-3.

(7) For property held by a state or other government, governmental subdivision or agency, or public corporation or other public authority, one (1) year after the property becomes distributable.

(8) For compensation for personal services, one (1) year after the compensation becomes payable.

(9) For deposits and refunds held for subscribers by utilities, one (1) year after the deposits or refunds became payable.

(10) For stock or other interest in a business association, ~~five~~ **three (3)** years after the earlier of:

(A) the date of the last dividend, stock split, or other distribution unclaimed by the apparent owner; or

(B) the date of the second mailing of a statement of account or other notification or communication that was:

(i) returned as undeliverable; or

(ii) made after the holder discontinued mailings to the apparent owner.

(11) For property in an individual retirement account or another account or plan that is qualified for tax deferral under the Internal Revenue Code, three (3) years after the earliest of:

(A) the actual date of the distribution or attempted distribution;

(B) the distribution date as stated in the plan or trust agreement governing the plan; or

(C) the date specified in the Internal Revenue Code by which distribution must begin in order to avoid a tax penalty.

(12) For a demand, savings, or matured time deposit, including a deposit that is automatically renewable, five (5) years after maturity or five (5) years after the date of the last indication by the owner of interest in the property, whichever is earlier. Property that is automatically renewable is considered matured for purposes of this section upon the expiration of its initial period, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder.

(13) For property payable or distributable in the course of a demutualization, rehabilitation, or related reorganization of a mutual insurance company, five (5) years after the earlier of:

(A) the date of last contact with the policyholder; or

(B) the date the property became payable or distributable.

- (14) For all other property, the earlier of five (5) years after:
- (A) the owner's right to demand the property; or
 - (B) the obligation to pay or distribute the property; arose.

(d) Property is payable or distributed for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or a document otherwise required to receive payment."

Renumber all SECTIONS consecutively.

(Reference is to SB 198 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 326, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "governing body of" and insert "**chief administrative officer of each:**

(1) public school (including a charter school as defined in IC 20-5.5-1-4); and

(2) nonpublic school;".

Page 1, line 4, delete "each school corporation".

Page 1, line 4, begin a new line blocked left beginning with "shall".

Page 1, line 5, delete "meningitis and influenza" and insert "**disease**".

Page 1, line 5, delete "their" and insert "**its**".

Page 1, line 7, delete "This information".

Page 1, line 7, before "must" begin a new paragraph and insert: "**(b) The information provided under subsection (a)**".

Page 1, line 12, delete "meningitis and influenza" and insert "**disease**".

Page 1, line 15, delete "(b)" and insert "(c)".

Page 1, line 15, after "The" insert "**chief administrative officers and the**".

Page 1, line 17, delete "school corporations" and insert "**schools**".

Page 2, after line 1, begin a new paragraph and insert:

"(d) The department shall enforce this section."

(Reference is to SB 326 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 281, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new

paragraph and insert:

"SECTION 1. IC 6-1.1-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5, is to be filed on or before March 1 of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus

(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county); minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5, or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a

cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus (F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(G) the amount of property taxes imposed in the county for the stated assessment year under:

(i) IC 21-2-15 for a capital projects fund; plus

(ii) IC 6-1.1-19-10 for a racial balance fund; plus

(iii) IC 20-14-13 for a library capital projects fund; plus

(iv) IC 20-5-17.5-3 for an art association fund; plus

(v) IC 21-2-17 for a special education preschool fund; plus

(vi) IC 21-2-11.6 for a referendum tax levy fund; plus

(vii) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum permissible general fund levy for certain transfer tuition costs; plus
(viii) an appeal filed under IC 6-1.1-19-5.4 for an increase in a school corporation's maximum permissible general fund levy for transportation operating costs; minus

(H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under IC 6-1.1-19, including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 or any other law; minus

(I) for each township in the county, the lesser of:

(i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE or IC 6-1.1-18.5-19(b) STEP THREE, whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) filed after December 31, 1982; or

(ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus

(J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3

and IC 6-1.1-18.5-19 for that same year; minus

(K) for each county, the sum of:

(i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 (repealed) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or for property taxes payable in each year after 1995, the amount determined under IC 12-19-7-4(b); and

(ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or the amount determined under IC 12-19-7-4(b) for property taxes payable in each year after 1995; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus

(3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus

(4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

(A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus

(B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).

(h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.

(i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare on or before March 1 of each year under IC 6-1.1-22-3.

(j) "Eligible property tax replacement amount" is equal to the sum of the following:

(1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year **after the school corporation's gained student levy amount is added and the school corporation's lost student levy amount is subtracted.**

(2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.

(3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

(k) "Business personal property" means tangible personal

property (other than real property) that is being:

- (1) held for sale in the ordinary course of a trade or business; or
- (2) held, used, or consumed in connection with the production of income.

(l) "Taxpayer's property tax replacement credit amount" means the sum of the following:

- (1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.
- (2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property.
- (3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

(o) "Gained student" for a school corporation means a student who transfers into the school corporation (that is not the student's base school corporation) under IC 20-8.1-16.

(p) "Lost student" for a school corporation means a student who transfers out of the school corporation (that is the student's base school corporation) to another school corporation under IC 20-8.1-16.

(q) "Per capita levy" for a school corporation means the total general fund levy of the school corporation divided by the ADM (as defined in IC 21-3-1.6-1.1) of the school corporation.

(r) "Gained student levy amount" means a school corporation's per capita levy multiplied by the number of gained students for the school corporation.

(s) "Lost student levy amount" means a school corporation's per capita levy multiplied by the number of lost students for the school corporation."

Page 6, line 27, delete "fifty percent (50%)".

Page 6, line 28, delete "of".

Page 6, after line 42, begin a new line double block indented and insert:

"(C) Notify the department of state revenue of the number of lost students and gained students under this chapter in each school corporation for the department of state revenue's use under IC 6-1.1-21."

Renumber all SECTIONS consecutively.

(Reference is to SB 281 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 76, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 29, delete "may" and insert **"may, upon the pregnant woman's request,"**.

Page 2, line 31, delete "tone." and insert **"tone if the fetal heart tone is audible."**.

(Reference is to SB 76 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 205, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, between lines 10 and 11, begin a new line block indented and insert:

"(4) A methodology to provide for a case mix system or other scientific criteria to develop and adjust health quality indicators, including infection rates, that may be affected by risks and variables."

(Reference is to SB 205 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 416, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-52.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 52.5. (a) "Charity care", for purposes of IC 16-21-6, and IC 16-21-6.5, IC 16-21-9, IC 16-21-9.5, IC 16-24.5-6, and IC 16-24.5-7 means the unreimbursed cost to a hospital, an ambulatory outpatient surgical center, or a diagnostic imaging facility of providing, funding, or otherwise financially supporting health care services:

- (1) to a person classified by the hospital, **ambulatory outpatient surgical center, or diagnostic imaging facility** as financially indigent or medically indigent on an inpatient or outpatient basis; and

(2) to financially indigent patients through other nonprofit or public outpatient clinics, hospitals, or health care organizations.

(b) As used in this section, "financially indigent" means an uninsured or underinsured person who is accepted for care with no obligation or a discounted obligation to pay for the services rendered based on the ~~hospital's~~ financial criteria and procedure **of the hospital, an ambulatory outpatient surgical center, or a diagnostic imaging facility** used to determine if a patient is eligible for charity care. The criteria and procedure must include income levels and means testing indexed to the federal poverty guidelines. A hospital, **an ambulatory outpatient surgical center, or a diagnostic imaging facility** may determine that a person is financially or medically indigent under the ~~hospital's~~ eligibility system **of the hospital, ambulatory outpatient surgical center, or diagnostic imaging facility** after health care services are provided.

(c) As used in this section, "medically indigent" means a person whose medical or hospital bills after payment by third party payors exceed a specified percentage of the patient's annual gross income as determined in accordance with the ~~hospital's~~ eligibility system **of the hospital, ambulatory outpatient surgical center, or diagnostic imaging facility**, and who is financially unable to pay the remaining bill.

SECTION 2. IC 16-18-2-64.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 64.4. "Community", for purposes of IC 16-21-6, ~~and IC 16-21-6.5~~, IC 16-21-9, **IC 16-21-9.5, IC 16-24.5-6, and IC 16-24.5-7** means the primary geographic area encompassing at least the entire county in which the hospital, **ambulatory outpatient surgical center, or diagnostic imaging facility** is located and patient categories for which the hospital, **ambulatory outpatient surgical center, or diagnostic imaging facility** provides health care services."

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 5. IC 16-18-2-77.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 77.5. (a) "Contributions", for purposes of IC 16-21-6, IC 16-21-6.5, IC 16-21-9, IC 16-21-9.5, IC 16-24.5-6, and IC 16-24.5-7, means the dollar value of cash donations and the fair market value at the time of donation of in kind donations to the hospital, ambulatory outpatient surgical center, or diagnostic imaging facility from individuals, organizations, or other entities.

(b) The term does not include the value of a donation designated or otherwise restricted by the donor for purposes other than charity care."

Page 2, line 14, delete "IC 16-21-2 and".

Page 2, line 15, delete "facility, physical location," and insert "place, an entity, an enterprise, a".

Page 2, line 15, delete "vehicle:" and insert "a vehicle".

Page 2, delete line 16.

Page 2, line 17, delete "(2) where diagnostic imaging services are provided" and insert "that provides diagnostic imaging services".

Page 2, run in lines 15 through 17.

Page 2, line 25, delete "thirty-five" and insert "forty".

Page 2, line 25, delete "(35%)" and insert "(40%)".

Page 2, line 29, after "payor." insert "The calculation of the

forty percent (40%) limitation is based on the billed health care services and the billed diagnostic imaging services provided by all the physicians in the office."

Page 3, line 11, delete "IC 16-21-2 and".

Page 3, delete line 13.

Page 3, line 14, delete "(2)" and insert "(1)".

Page 3, line 15, delete "(3)" and insert "(2)".

Page 3, line 16, delete "(4)" and insert "(3)".

Page 3, line 17, delete "(5)" and insert "(4)".

Page 3, line 18, delete "(6) Ultrasonography." and insert "(5) **Ultrasonography, except when used in the course of providing obstetrical care.**".

Page 3, line 19, delete "(7)" and insert "(6)".

Page 3, line 20, delete "(8)" and insert "(7)".

Page 4, between lines 2 and 3, begin a new line block indented and insert:

"(5) Mammography.

SECTION 9. IC 16-18-2-99.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 99.5. "Donations", for purposes of IC 16-21-6, ~~and IC 16-21-6.5~~, IC 16-21-9, **IC 16-21-9.5, IC 16-24.5-6, and IC 16-24.5-7**, means the unreimbursed costs of providing cash and in kind services and gifts, including facilities, equipment, personnel, and programs, to other nonprofit or public outpatient clinics, hospitals, **ambulatory outpatient surgical centers, diagnostic imaging facilities**, or health care organizations."

Page 4, delete lines 10 through 14.

Page 6, between lines 23 and 24, begin a new paragraph and insert the following:

"SECTION 17. IC 16-18-2-342.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 342.4. (a) "Subsidized health services", for purposes of IC 16-21-6, ~~and IC 16-21-6.5~~, IC 16-21-9, **IC 16-21-9.5, IC 16-24.5-6, and IC 16-24.5-7**, means services that:

(1) are provided by a hospital, **an ambulatory outpatient surgical center, or a diagnostic imaging facility**, in response to community needs, for which the reimbursement is less than the ~~hospital's~~ cost for providing the services **by the hospital, ambulatory outpatient surgical center, or diagnostic imaging facility**; and

(2) must be subsidized by other hospital, **ambulatory outpatient surgical center, diagnostic imaging facility**, or nonprofit supporting entity revenue sources.

(b) Subsidized health services may include:

(1) emergency and trauma care;

(2) neonatal intensive care;

(3) free standing community clinics; and

(4) collaborative efforts with local government or private agencies in preventive medicine, such as immunization programs.

(c) As used in this section, "nonprofit supporting entity" means a nonprofit entity that is created by the hospital, **ambulatory outpatient surgical center, or diagnostic imaging facility** or the ~~hospital's~~ parent entity **of the hospital, ambulatory outpatient surgical center, or diagnostic imaging facility** to further the charitable purposes of the hospital, **the ambulatory outpatient surgical center, or the diagnostic imaging facility** and that is

owned or controlled by the hospital, **the ambulatory outpatient surgical center, or the diagnostic imaging facility** or the hospital's parent entity **of the hospital, ambulatory outpatient surgical center, or diagnostic imaging facility.**

SECTION 18. IC 16-18-2-361.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 361.5. (a) "Unreimbursed costs", for purposes of IC 16-21-6, ~~and IC 16-21-6.5, IC 16-21-9, IC 16-21-9.5, IC 16-24.5-6, and IC 16-24.5-7,~~ means the costs a hospital, **an ambulatory outpatient surgical center, or a diagnostic imaging facility** incurs for providing services after subtracting payments received from any source for such services, including the following:

- (1) Third party insurance payments.
- (2) Medicare payments.
- (3) Medicaid payments.
- (4) Medicare education reimbursements.
- (5) State reimbursements for education.
- (6) Payments from drug companies to pursue research.
- (7) Grant funds for research.
- (8) Disproportionate share payments.

(b) For purposes of this definition, **hospital** costs must be calculated by applying the aggregate cost to charge ratios for all hospital services derived from the hospital's Medicare cost report to billed charges. Before January 1, 1997, for purposes of this definition, charitable contributions and grants to a hospital, including transfers from endowment or other funds controlled by the hospital, or the hospital's nonprofit supporting entities, shall not be subtracted from the costs of providing services for purposes of determining unreimbursed costs. Beginning January 1, 1997, for purposes of this definition, charitable contributions and grants to a hospital, including transfers from endowment or other funds controlled by the hospital, or the hospital's nonprofit supporting entities shall not be subtracted from the costs of providing services for purposes of determining the unreimbursed costs of charity care and government sponsored indigent health care.

(c) As used in this section, "government sponsored indigent health care" has the meaning set forth in IC 16-21-9-2.

(d) As used in this section, "nonprofit supporting entity" means a nonprofit entity that is created by the hospital, **the ambulatory outpatient surgical center, or the diagnostic imaging facility** or the hospital's parent entity **of the hospital, the ambulatory outpatient surgical center, or the diagnostic imaging facility,** to further the charitable purposes of the hospital, **the ambulatory outpatient surgical center, or the diagnostic imaging facility** and that is owned or controlled by the hospital, **the ambulatory outpatient surgical center, or the diagnostic imaging facility** or the hospital's parent entity **of the hospital, the ambulatory outpatient surgical center, or the diagnostic imaging facility."**

Page 7, line 32, delete "hospital" and insert "**center**".

Page 8, delete lines 18 through 42.

Delete page 9.

Page 18, line 39, delete "Three (3)" and insert "**Two (2)**".

Page 18, line 41, after "(4)" insert "**One (1) individual who is:**

(A) a radiological technologist; and

(B) certified by the American Registry of Radiologic Technologists.

(5)".

Page 18, line 42, delete "(5)" and insert "**(6)**".

Page 20, line 42, after "Sec. 1." insert "**(a)**".

Page 20, after line 42, begin a new paragraph and insert:

"(b) This article does not apply to an entity or a location described in IC 16-18-2-94.5(b) unless the entity or a location meets the forty percent (40%) limitation described in IC 16-18-2-94.5(b)(1)."

Page 25, line 37, delete "An agency, a building, an institution, a place" and insert "**A place, an entity, an enterprise,**".

Page 25, line 39, delete "agency, building, institution,".

Page 25, line 39, after "place," insert "**entity, enterprise,**".

Page 26, line 3, delete "an agency, a building, an institution,".

Page 26, line 3, after "place," insert "**an entity, an enterprise,**".

Page 34, line 34, after "2005]" insert "IC 16-18-2-69.4; IC 16-18-2-69.5;".

Page 36, line 30, delete "committee." and insert "**commission.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 416 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 572, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "refers to family planning" and insert "**does not include the performance of abortions or the use of a drug or device intended to terminate a pregnancy after fertilization.**".

Page 1, delete line 3.

Page 1, line 4, after "(b)" insert "**As used in this SECTION, "fertilization" means the joining of a human egg cell with a human sperm cell.**

(c)".

Page 1, line 6, delete "(c)" and insert "**(d)**".

Page 1, line 9, delete "(d)" and insert "**(e)**".

Page 1, between lines 17 and 18, begin a new line blocked left and insert:

"The waiver application must include language stating that the waiver will not include coverage for the performance of abortions or the use of a drug or device intended to terminate a pregnancy after fertilization."

Page 1, line 18, delete "(e)" and insert "**(f)**".

Page 2, line 7, delete "(f)" and insert "**(g)**".

Page 2, line 12, delete "(g)" and insert "**(h)**".

Page 2, line 14, delete "(f)," and insert "**(g),"**".

Page 2, line 17, delete "(h)" and insert "**(i)**".

Page 2, line 19, delete "(i)" and insert "**(j)**".

(Reference is to SB 572 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 376, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "Six (6)" and insert **"Two (2)"**

Page 2, line 2, delete "Not more than" and insert **"Members appointed under this subdivision may not be members of the same political party."**

Page 2, delete lines 3 through 4.

Page 2, line 5, delete "Six (6)" and insert **"Two (2)"**.

Page 2, line 6, delete "Not more than three (3) members" and insert **"Members appointed under this subdivision may not be members of the same political party."**

Page 2, delete lines 7 through 8.

Page 2, between lines 8 and 9, begin a new line block indented and insert:

"(3) The director of the division of family and children or the director's designee.

(4) The commissioner of the department of workforce development or the commissioner's designee.

(5) One (1) individual who holds a degree in the study of early childhood development.

(6) One (1) administrator of an elementary school.

(7) One (1) individual who operates or administers a Head Start program.

(8) One (1) individual who operates or administers a child care center.

(9) One (1) individual who operates or administers a class I child care home.

(10) One (1) individual who operates or administers a class II child care home.

(11) One (1) individual who operates or administers a child care ministry.

(12) One (1) individual who operates or administers an after school care program.

(13) One (1) individual who operates or administers child care in an employer offered setting.

(14) One (1) individual who is a consumer of child care and who does not operate or administer a child care program.

(15) The state fire marshal or the state fire marshal's designee."

Page 2, line 9, delete "two (2)" and insert **"the members listed in subsections (b)(5), (b)(8), (b)(9), (b)(12), and (b)(14). In making the appointments, the president pro tempore of the senate shall attempt to appoint individuals that represent both rural and urban areas. The senate pro tempore shall appoint a member described in subsection (b)(2) as chairperson of the committee in 2006."**

Page 2, delete lines 10 through 12.

Page 2, line 13, delete "two" and insert **"the members listed in subsections (b)(6), (b)(7), (b)(10), (b)(11), and (b)(13). In making the appointments, the speaker of the house of representatives shall attempt to appoint individuals that represent both rural and urban areas. The speaker of the house of representatives shall appoint a member described in**

subsection (b)(1) as chairperson of the committee in 2005."

Page 2, delete lines 14 through 16.

Page 2, line 19, delete "may" and insert **"shall"**.

Page 2, line 25, after "study" insert **"the system of"**.

Page 2, line 26, after "concerning" insert **"the system of"**.

Page 2, delete lines 39 through 40, begin a new line block indented and insert:

"(4) To access available and affordable child care by parents.

(5) To encourage the state to access all available federal funds for child care."

Page 3, delete lines 7 through 20, begin a new line block indented and insert:

"(3) A review of child care models from other states.

(4) Ensuring the safety of the child regardless of the child care setting."

(Reference is to SB 376 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 428, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 10.

Page 11, delete lines 1 through 21.

Page 11, line 27, delete "coverage through a state employee" and insert **"state educational institution's employees with wellness education."**

Page 11, delete lines 28 through 42.

Page 12, delete lines 1 through 14.

Page 12, line 20, delete "seventy-five (75)" and insert **"fifty (50)"**.

Page 12, line 21, delete "July 1, 2006," and insert **"December 31, 2005, report to the legislative council with a plan concerning how to"**.

Page 12, line 27, after "IC 27-13-1-16)." insert **"The department shall include in the report the ramifications of implementing the program and any cost savings that may occur through the implementation of the program. The report must be submitted to the legislative council in electronic format under IC 5-14-6."**

Page 12, delete lines 28 through 42.

Delete pages 13 through 16.

Re-number all SECTIONS consecutively.

(Reference is to SB 428 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 498, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 42, after "(ii)" insert **"except as provided in subsection (c),"**.

Page 5, after line 11, begin a new paragraph and insert:

"(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking."

(Reference is to SB 498 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 218, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, after "damages" delete "," and insert **"for injury to a person;"**.

Page 1, line 12, delete **"(b)(2)"** and insert **"(b)(1)"**.

Page 1, line 14, after "with" insert **"section 2 of"**.

Page 1, line 15, after "with" insert **"section 2 of"**.

Page 1, after line 17, begin a new paragraph and insert:

"(d) The defendant in an action described in subsection (b)(2) has the burden of proving:

(1) noncompliance with this chapter;

(2) that compliance with this chapter would have reduced injuries; and

(3) the extent of the reduction."

(Reference is to SB 218 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 5.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 472, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-97 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 97. "Division" means the following:

(1) For purposes of IC 16-21-8, the meaning set forth in IC 16-21-8-0.5.

(2) For purposes of IC 16-22-8, the meaning set forth in

IC 16-22-8-3.

(3) For purposes of IC 16-27, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-27.

(4) For purposes of IC 16-28, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-28.

(5) For purposes of IC 16-41-40, the meaning set forth in IC 16-41-40-1.

SECTION 2. IC 16-18-2-295 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 295. **(a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.6.**

(b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37, means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

(A) A physician.

(B) A psychotherapist.

(C) A dentist.

(D) A registered nurse.

(E) A licensed practical nurse.

(F) An optometrist.

(G) A podiatrist.

(H) A chiropractor.

(I) A physical therapist.

(J) A psychologist.

(K) An audiologist.

(L) A speech-language pathologist.

(M) A dietitian.

(N) An occupational therapist.

(O) A respiratory therapist.

(P) A pharmacist.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified emergency medical technician-basic advanced, a certified emergency medical technician-intermediate, or a certified paramedic.

(6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

(c) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

SECTION 3. IC 16-18-2-365.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 365.5. **"Victim", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.7.**

SECTION 4. IC 16-21-8-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. **As used in this chapter,**

"division" refers to the victim services division of the Indiana criminal justice institute established by IC 5-2-6-8(a).

SECTION 5. IC 16-21-8-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.6. As used in this chapter, "provider" means a hospital or licensed medical services provider that provides emergency services to a victim.**

SECTION 6. IC 16-21-8-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.7. As used in this chapter, "victim" means an alleged sex crime victim.**

SECTION 7. IC 16-21-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5. (a) The victim services division of the Indiana criminal justice institute may not award compensation or reimbursement under this chapter unless the following conditions are met:**

(1) If the victim is at least eighteen (18) years of age:

~~(1) (A)~~ **(A)** the sex crime ~~was~~ **must be** reported to a law enforcement officer within ~~forty-eight (48)~~ **ninety-six (96)** hours after the crime's occurrence; **and**

~~(2) (B)~~ **(B)** the victim ~~or claimant has cooperated fully~~ **must cooperate to the fullest extent possible** with law enforcement personnel to solve the crime.

(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim reporting the sex crime more than ninety-six (96) hours after the crime's occurrence.

~~(b) If the victim services division of the Indiana criminal justice institute finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, the victim services division of the Indiana criminal justice institute may suspend the requirements of this section.~~

(c) A claim filed for services provided at a time before the provision of the emergency services for which an application for reimbursement is filed is not covered under this chapter.

SECTION 8. IC 16-21-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6. (a) When a hospital or licensed medical service provider provides emergency services under this chapter to an alleged sex crime a victim, the hospital or medical service provider shall furnish the services without charge.**

~~(b) The victim services division of the Indiana criminal justice institute shall reimburse a hospital or licensed medical service provider for the hospital's or medical service provider's costs in providing the services cost for providing services and shall adopt rules and procedures to provide for reimbursement.~~

(c) The application for reimbursement must be filed not more than one hundred eighty (180) days after the date the service was provided.

(d) The division shall approve an application for reimbursement filed under subsection (b) not more than one hundred twenty (120) days after receipt of the application for reimbursement.

~~(c) (e)~~ **(e)** A ~~hospital~~ **provider** may not charge the victim for services required under this chapter despite delays in reimbursement

from the ~~victim services division of the Indiana criminal justice institute~~.

(Reference is to SB 472 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 245, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 13, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 16 and 17, begin a new paragraph and insert:

"(d) The superintendent:

(1) may perform or contract for performance of testing, typing, or analysis of a DNA sample collected from a person described in section 10 of this chapter at any time; and

(2) shall perform or contract for the performance of testing, typing, or analysis of a DNA sample collected from a person described in section 10 of this chapter if federal funds become available for the performance of DNA testing, typing, or analysis."

Page 1, line 17, strike "(d)" and insert "(e)".

Page 2, line 2, delete "(e)" and insert "(f)".

(Reference is to SB 13 as printed January 7, 2005.)
and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 382, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "or".

Page 2, line 4, delete "IC 7.1-3-14." and insert "**IC 7.1-3-14; or**".

Page 2, between lines 4 and 5, begin a new line block indented and insert:

"(4) liquor dealer permit under IC 7.1-3-10 for a package liquor store."

Page 2, line 29, after "alcohol" insert ":

(i)".

Page 2, line 30, delete "drugs;" and insert "**drugs; and**

(ii) on human behavior."

Page 2, line 41, delete "and".

Page 3, line 1, delete "beverages." and insert "**beverages; and**".

Page 3, between lines 1 and 2, begin a new line double block indented and insert:

"(H) recognizing certain behavior to assess the amount of alcohol an individual:

(i) has consumed; and

(ii) may safely consume."

Page 3, line 12, delete "two (2)".

Page 3, line 13, delete "years after the certificate is issued,".

Page 4, delete lines 14 through 19.

Page 4, line 20, delete "13." and insert "**12."**

Page 4, line 26, delete ", at least".

Page 4, line 27, delete "once every two (2) years,".

Page 4, line 29, delete "chapter;" and insert "**chapter, as required by the commission;"**.

(Reference is to SB 382 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 539, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 6, delete "Internet".

Page 2, line 9, delete "organizations" and inset "**organizations; and**".

Page 2, delete lines 10 through 11.

Page 2, delete lines 23 through 42.

Page 3, line 11, delete "one" and insert "**five**".

Page 3, line 11, delete "three hundred thirty-four".

Page 3, line 12, delete "(\$1,334)" and insert "**(\$5,000)**".

Page 3, line 12, after "library" insert ".

Page 3, line 12, delete "for the" and insert "**The state library shall deposit money received under this subsection in the state general fund."**

Page 3, delete lines 13 through 14.

(Reference is to SB 539 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1052, 1135, 1197, 1217, 1247, 1270, 1363, 1365, 1394, 1403, 1407, 1432, 1495, 1537, 1553, 1575, 1580, 1594, 1600, 1611, 1736, 1729, and 1765 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 13

House Concurrent Resolution 13, sponsored by Senator Harrison:

A CONCURRENT RESOLUTION recognizing the Williamsport Review-Republican newspaper.

Whereas, December 20, 2004, marked the beginning of the 150th year of continuous publication for the Review-Republican newspaper;

Whereas, The Review-Republican published its first volume on December 20, 1854, providing Warren County, Fountain County, and Benton County residents news with a local flavor;

Whereas, Although it provides national news to its readers, it is the local information that has kept the Review-Republican alive for 150 years;

Whereas, The Review-Republican covers Seeger High School sports, trials, police news, county fairs, town festivals, reunions, and other events that other newspapers do not cover;

Whereas, It gives its 3,400 readers information they are unable to get from the national newspapers or television news broadcasts;

Whereas, The Review-Republican gives readers a look at life around them by telling them about what is happening in their own communities;

Whereas, Small towns and small town newspapers are the lifeline of Indiana history, and it is through these entities that Indiana maintains its famous Hoosier hospitality; and

Whereas, The Review-Republican has been bringing this information to people in Warren County, Fountain County, Benton County, and places beyond for 150 years: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly thank the owners and staff of the Review-Republican newspaper for providing information with a hometown feel for more than 150 years. It is through the efforts of these wonderful people that the heart and soul of Indiana will be kept alive forever.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Lee Ann Akers, editor of the Review-Republican.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE BILLS ON SECOND READING

Senate Bill 175

Senator Dillon called up Senate Bill 175 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 175-1)

Madam President: I move that Senate Bill 175 be amended to read as follows:

Page 1, line 14, delete "and" and insert "**or**".

Page 1, line 15, after "(B)" insert "**precise**".

Page 1, line 15, delete "location while the offender is away from home;" and insert "**location;**".

Page 2, line 9, delete "(4) can track the locations where the offender has been;".

Page 2, run in lines 8 through 9.

Page 2, line 10, delete "(5)" and insert "**(4)**".

Page 2, line 14, delete "offender," and insert "**offender and track the locations where the offender has been,**".

Page 2, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 4. IC 35-38-2.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A court may not order home detention for an offender unless the offender agrees to abide by all of the requirements set forth in the court's order issued under this chapter.

(b) A court may not order home detention for an offender who is being held under a detainer, warrant, or process issued by a court of another jurisdiction.

(c) A court may not order home detention for an offender who has been convicted of a sex offense under IC 35-42-4 or IC 35-46-1-3 unless:

(1) the home detention is supervised by a court approved home detention program; and

(2) the conditions of home detention:

(A) include twenty-four (24) hour per day supervision of the offender; **and**

(B) **require the use of surveillance equipment and a monitoring device that can transmit information**

twenty-four (24) hours each day regarding an offender's precise location."

Page 4, line 16, after "using" insert "**surveillance equipment and**".

Page 4, line 17, strike "and surveillance equipment" and insert "**that can transmit information twenty-four (24) hours each day regarding an offender's precise location**".

Renumber all SECTIONS consecutively.

(Reference is to SB 175 as printed February 11, 2005.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 267

Senator Jackman called up Senate Bill 267 for second reading. The bill was reread a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 315

Senator R. Young called up Senate Bill 315 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 360

Senator Miller called up Senate Bill 360 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 482

Senator Lawson called up Senate Bill 482 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 487

Senator Kruse called up Senate Bill 487 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 487-1)

Madam President: I move that Senate Bill 487 be amended to read as follows:

Page 3, line 14, after "located" insert "**or in the county or counties in which the eligible entity owns or operates an airport**".

(Reference is to SB 487 as printed February 11, 2005.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 570

Senator Mishler called up Senate Bill 570 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 570-6)

Madam President: I move that Senate Bill 570 be amended to read as follows:

Page 9, between lines 23 and 24, begin a new paragraph and insert:

"Sec. 11.(a) Any citation based on an automatic traffic law enforcement system that is not in compliance with the:

- (1) installation;**
- (2) maintenance; and**
- (3) operational requirements;**

shall be dismissed.

(b) All fines collected during the period of non-compliance shall be refunded to all defendants, regardless of plea."

Page 9, line 24, delete "Sec. 11." and insert "**Sec. 12.**"

Page 10, line 31, delete "Sec. 12." and insert "**Sec. 13.**"

Page 11, line 28, delete "Sec. 13." and insert "**Sec. 14.**"

Page 12, line 25, delete "Sec. 14." and insert "**Sec. 15.**"

Page 12, line 40, delete "Sec. 15." and insert "**Sec. 16.**"

(Reference is to SB 570 as printed February 4, 2005.)

M. YOUNG

Motion prevailed.

SENATE MOTION

(Amendment 570-8)

Madam President: I move that Senate Bill 570 be amended to read as follows:

Page 10, line 8, after "violation" insert **"by certified mail postmarked no later than seven (7) business days from the alleged violation"**.

Page 11, line 7, delete "thirty (30)" and insert **"fifteen (15) business"**.

Page 11, between lines 27 and 28, begin a new line block indented and insert:

"(3) A statement that a person may offer a defense as described in section 13 of this chapter."

Page 11, line 33, delete ":".

Page 11, line 34, delete "(A)".

Page 11, line 34, delete "; or".

Page 11, delete line 35.

Page 13, between lines 11 and 12, begin a new paragraph and insert:

"Sec. 16. A violation under this chapter may not be used to determine rates for motor vehicle insurance."

(Reference is to SB 570 as printed February 4, 2005.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 626

Senator Clark called up Senate Bill 626 for second reading. The bill was reread a second time by title.

SENATE MOTION

(Amendment 626-2)

Madam President: I move that Senate Bill 626 be amended to read as follows:

Delete the title and insert the following:

"A BILL FOR AN ACT to amend the Indiana Code concerning Riverboat Certificates of Inspection."

Page 1, delete lines 8 through 9, begin a new line double block

indented and insert:

"(B) a valid certificate of compliance issued by the commission that the riverboat complies with recognized marine structural and life safety standards adopted by the commission; and"

Page 1, line 10, delete "a riverboat as defined in IC 4-33-2-17;"

Page 1, line 10, strike "and"

(Reference is to SB 626 as reprinted February 11, 2005.)

CLARK

Motion prevailed. The bill was ordered engrossed.

Senate Bill 634

Senator Paul called up Senate Bill 634 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 405, which is eligible for third reading, be returned to second reading for purposes of amendment.

MILLER

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 1

Senator Ford called up Engrossed Senate Bill 1 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 149: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Turner and Borror.

Engrossed Senate Bill 18

Senator Lawson called up Engrossed Senate Bill 18 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 150: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 63, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-4.5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a)** The departments annually shall do the following:

(1) Prepare a list of existing rights-of-way that might be abandoned during the following year. The list shall be submitted to the board for review.

(2) Set priorities for potential future uses of rights-of-way consistent with the Indiana department of transportation's comprehensive transportation plan and the department of natural resources trail system plan.

(3) Meet with each railroad owner that holds an interest in a corridor in Indiana to assess the status and any issues concerning corridors that may be abandoned.

(b) The Indiana department of transportation annually, in consultation with affected state and local agencies, shall prepare a list of corridors for preservation.

SECTION 2. IC 8-4.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The Indiana department of transportation shall determine whether the state should acquire a railroad's interest in a corridor that is proposed to be abandoned. ~~The department shall make its recommendations to the board regarding acquisition of a railroad's interest in any corridor.~~

~~(b) Acquisition of a railroad's interest in a corridor is subject to approval of the board.~~

(b) The Indiana department of transportation:

(1) has the right of first refusal to acquire a railroad's interest in a corridor that is proposed to be abandoned; and

(2) may engage in negotiations to acquire active and abandoned corridors.

(c) If the Indiana department of transportation and the railroad are unable to agree upon a price through negotiations under subsection (b)(2), the department may exercise the power of eminent domain in accordance with IC 32-24 to acquire the corridor.

SECTION 3. IC 8-4.5-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. **The board shall advise and assist the Indiana department of transportation in matters concerning the acquisition of a railroad's interest in a corridor under this chapter.**

SECTION 4. IC 8-4.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The Indiana department of transportation shall hold at least one (1) public

meeting in ~~each~~ a county through which the corridor passes before determining whether the state should acquire a railroad's interest in a corridor that is proposed to be abandoned. Notice of the meeting must be given in accordance with IC 5-14-1.5.

(b) In addition to the notice requirements of IC 5-14-1.5, the department shall give notice of a meeting under this section to the following:

(1) The county commissioners of each county through which the railroad's interest in the proposed abandoned corridor passes; or

(2) The legislative body of each city or town:

(A) through which the railroad's interest in the corridor passes; or

(B) that is within one (1) mile of any part of the railroad's interest in the corridor.

(3) The railroad that proposes to abandon the railroad's interest in the corridor.

(4) The Indiana utility regulatory commission.

Notice must be given to the persons described in subdivisions (1) through (4) not later than the date notice is required to be published under IC 5-14-1.5.

(c) The department may hold additional meetings before making a determination under this chapter.

(d) The department shall hold a meeting under this section in each county through which the railroad's interest in the corridor passes.

SECTION 5. IC 8-4.5-4-5 IS REPEALED [EFFECTIVE JULY 1, 2005].

(Reference is to SB 63 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Commerce and Transportation.

GARTON, Chair

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 180

Senator Lanane called up Engrossed Senate Bill 180 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 151: yeas 33, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Richardson.

Engrossed Senate Bill 206

Senator Dillon called up Engrossed Senate Bill 206 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 152: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lehe and Reske.

Engrossed Senate Bill 219

Senator Nugent called up Engrossed Senate Bill 219 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 153: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Woodruff and Goodin.

Engrossed Senate Bill 322

Senator Bray called up Engrossed Senate Bill 322 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 154: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

Engrossed Senate Bill 446

Senator Gard called up Engrossed Senate Bill 446 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 155: yeas 45, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wolkins.

Engrossed Senate Bill 480

Senator Landske called up Engrossed Senate Bill 480 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 156: yeas 46, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thomas and Richardson.

Engrossed Senate Bill 518

Senator Weatherwax called up Engrossed Senate Bill 518 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 157: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Friend, Grubb, and Leonard.

SENATE MOTION

Madam President: I move that Senator Antich-Carr be added as coauthor of Engrossed Senate Bill 322.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Engrossed Senate Bill 219.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lanane and Simpson be added as cosponsors of Engrossed House Bill 1230.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 63 and that Senator Landske be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as

coauthor of Senate Bill 76.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Antich-Carr be added as coauthor of Engrossed Senate Bill 18.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 1.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be added as coauthor of Engrossed Senate Bill 381.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 1.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as coauthor of Engrossed Senate Joint Resolution 7.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 263.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume and Meeks be added as coauthors of Senate Bill 363.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson, Craycraft, and Breaux be added as coauthors of Senate Bill 523.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 572.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be removed as coauthor of Senate Bill 38.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Dillon be added as coauthor of Engrossed Senate Bill 518.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second author of Senate Bill 86.

CRAYCRAFT

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 21, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 3:34 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate